IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 818 OF 2005

Pravin Tukaram Patil. ... Petitioner
Versus.
The State of Maharashtra. ... Respondent.

Shri Shirish Gupte, Senior Counsel with Shri Sudatta Patil for the Petitioner.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 16th June, 2005.

P.C.:

1. Heard the learned Senior Counsel for the Petitioner and the learned A.P.P. for the State.

2. By the order impugned in this Petition, the Application made by the Petitioner for discharge has been dismissed by the learned Sessions Judge. The Petitioner has been prosecuted for commission of offence punishable under section 306 read with section 34 of the Indian Penal Code along with two other Accused.

3 The learned Senior Counsel appearing for the Petitioner has taken me through the various documents including the letters which are relied upon by the prosecution and which are allegedly written by the deceased. He submitted that in all these letters, real allegations are against Jasbir Singh Chhabra and

Surinder Kaur Chhabra. He has invited my attention to the settlement which had taken place between the deceased and the Petitioner on the date on which the deceased had allegedly committed suicide. He submitted that ex-facie no case is made out under section 306 IPC.

4. I have considered the submissions made by the learned Counsel. The learned Sessions Judge has referred to the letters which are on record produced by the prosecution along with the other statements of the witnesses. The learned Judge noted that the letters disclosed that the deceased was fed up with the Petitioner. The lerned Judge was of the view that the documentary evidence in the form of letters of the deceased are sufficient to primafacie involve the Petitioner for the offence under section 306 IPC. A perusal of the said letters and in particular letters at pages 20 and 22 of this petition show that the view taken by the learned Sessions Judge is not perverse or irrational. As the trial is pending before the learned Sessions Judge, I am not elaborately referring to the contents of the said letter. Suffice it to say that there is some material on record against the Petitioner and therefore, the learned Judge was right when he held that no case was made out for discharge.

5. No interference is called for in this petition filed by the Petitioner under Article 227 of the Constitution

of India read with section 482 of the Code of Criminal Procedure. Petition is rejected.

6. All contentions of the parties on merits are kept open.

Judge.